

REMARKS

After entry of the instant Amendment, claims 1-26 remain in the application, with claim 1 in independent form. Claim 1 has been amended and claims 2-26 are unchanged by the instant Amendment.

Claim 1 has been amended to claim 300 to 5,000 parts by weight of a metal based electrically conductive filler. Support for this amendment can be found in paragraph [0014] of the instant specification. Accordingly, no new matter has been introduced.

Claims 1–26 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,082,596 to Fukuda et al. (Fukuda). In light of the amendment to claim 1 and arguments below, the Applicants respectfully traverse this rejection on the basis that Fukuda fails to teach each and every element of claim 1, as required to properly establish anticipation under 35 U.S.C. §102(b). In addition, relative to any obviousness concerns, Fukuda fails to teach or suggest all of the limitations of the present invention as are claimed in claim 1.

To summarize, claim 1 as amended encompasses an electrically conductive silicone rubber composition. The electrically conductive silicone rubber composition comprises (A) 100 parts by weight of an organopolysiloxane having at least two alkenyl groups per molecule, (B) an amount sufficient to cure composition, of an organopolysiloxane having at least two silicon-bonded hydrogen atoms per molecule, (C) an amount sufficient to promote cure of the composition, of a platinum based catalyst, (D) 300 to 5,000 parts by weight of a metal based electrically conductive filler, and (E) 5 to 500 parts by weight of spherical silicone rubber particles with a surface active agent content of not more than 0.3 wt% (emphasis added).

As the Examiner is well aware, to establish anticipation under 35 U.S.C. §102, the reference must teach each and every element of that claim. MPEP 2131. In addition, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970).

Fukuda fails to teach or suggest component (D) being a metal based electrically conductive filler used in an amount of from 300 to 5,000 parts by weight, as claimed and taught in the present application. While the Applicants realize that Fukuda broadly describes various electroconductive materials, such as metals, in the Background of the Invention, Fukuda does not teach or suggest using these electroconductive materials in any given amount. Instead, the primary focus of Fukuda is using carbon black as an electroconductive material, and only in lower amounts, specifically in amounts “from 5 to 100 parts by weight or, preferably, from 10 to 70 parts by weight per 100 parts by weight of the total amount of the components (a) and (b)” (column 4, lines 9 & 47-50). In view of the foregoing, the Applicants respectfully submit that claim 1 is novel over the prior art, and therefore, the §102(b) rejection is overcome.

Further, Fukuda even teaches why using lower amounts is preferred, specifically “when the amount thereof is too large... difficulties are encountered in the compounding and molding works of the composition and the cured rubber article may be poor in the mechanical properties” (column 4, lines 52-6). Further, Fukuda teaches use of lower amounts in examples illustrated by Compositions No. I through IX in TABLE 1, where carbon black used in amounts of from 25 to 35 parts by weight.

Even further, Fukuda fails to teach or suggest component (E) having a surface active agent content of not more than 0.3 wt%, as claimed and taught in the present application. As described in the instant specification, component “(E) is *characterized* by containing not more than 0.3 weight% of surface active agent (emphasis added, paragraph [0015]). The Applicants recognize that Fukuda discloses use of a surface active agent, i.e., a surfactant, for preparing the silicone rubber powder, i.e., component (b) of Fukuda (column 3, lines 54-5). *However*, there is no recognition with respect to the silicone rubber powder having not more than 0.3 wt% of a surface active agent, as claimed and taught in the present application. In fact, there is no teaching or suggestion whatsoever of how much surface active agent is used to prepare component (b), or how much surface active agent component (b) would or could include. In addition, there is no mention whatsoever of use of surface active agents, or amounts thereof, in the examples taught by Fukuda. *Conversely*, as claimed and described in the instant specification, component (E) of the present invention contains not more than 0.3 wt% of surface active agent. As described in paragraph [0030], wt% of surface active agent affects viscosity of the electrically conductive silicone rubber composition, i.e., the electrically conductive silicone rubber composition exhibits little thickening due to the addition of component (E). Further, as taught in the examples of the instant specification, it is shown that using higher than 0.3 wt% of a surface active agent, e.g. 0.5%, leads to marked increases in viscosity, where homogenous compositions could not be prepared. However, as further taught in the examples of the instant specification, using 0.3 wt% or less of a surface active agent, e.g. 0.1%, leads to little to no increase in viscosity of the compositions prepared

(see paragraphs [0030] and [0037]). In addition, component (E) is used to form the silicone rubber having low hardness and low permanent compression set (see paragraphs [0001], [0004], [0015]. In view of the foregoing, although not necessary in view of the current rejections, it is clear that no 35 U.S.C. §103 rejection would be proper.

The Applicants respectfully submit that claim 1 is both novel and non-obvious, in view of the disclosure, teachings, and suggestions of the prior art such that claim 1, as well as the claims that depend therefrom, are in condition for allowance. If any additional fees are necessary to respond to the outstanding Office Action, you are hereby authorized to charge such fees to Deposit Account No. 08-2789 in the name of Howard & Howard.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

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Date

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